

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA


JOHN KENNETH RICHARDSON,)	
Petitioner)	
)	
vs.)	No. 2:06-cv-0305
)	Judge Thomas M. Hardiman/
MARILYN BROOKS,)	Magistrate Judge Amy Reynolds Hay
Respondent)	

ORDER

AND NOW, this 28th day of December, 2006, after the petitioner filed a petition for writ of habeas corpus in the above-captioned case, and after an answer was submitted by respondent, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties ten days after being served with a copy to file written objections thereto, and upon consideration of the objections filed by the petitioner, and upon independent review of the petition and the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS ORDERED that petition for writ of habeas corpus [Docket Entry No. 3] is DENIED as untimely and that a certificate of appealability is also DENIED.

IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the petitioner desires to appeal from this Order, he must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed.R.App.P.



THOMAS M. HARDIMAN
United States District Judge

cc: Honorable Amy Reynolds Hay
United States Magistrate Judge

John Kenneth Richardson
GD-2221
SCI Albion
10745 Route 18
Albion, PA 16475-0001

Amy L. Fitzpatrick
Office of the District Attorney
401 Allegheny County Courthouse
Pittsburgh, PA 15219